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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,027	12/11/2003	Machiel Goedhart	C7736(V)	2361

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GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

EXAMINER	
PATEL, RITA RAMESH	

ART UNIT	PAPER NUMBER
1746	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/734,027	GOEDHART ET AL.	
	Examiner	Art Unit	
	Rita R. Patel	1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 May 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-16,18 and 19* is/are pending in the application.

4a) Of the above claim(s) *18* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-16 and 19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 May 2007* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/7/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Applicant's Arguments / Amendments

1. This Office Action is responsive to the amendment filed on 5/22/07. Claims 1, 3-16 and 19 are pending. Claims 2 and 17 have been cancelled. Claims 1, 3-6, 12, 13, and 16 have been amended. Claim 18 is withdrawn, see Election/Restrictions herein. Applicant's arguments have been considered, and in light of the amendments made to the claim, the prior 35 USC 102 and 35 USC 103 rejections have been withdrawn. However, upon further consideration, the instant claims are rejected under new grounds of rejections and thus claims 1, 3-16, and 19 are finally rejected for the reasons of record.

Furthermore Applicant's remarks are directed towards the former claim rejection but are now considered moot because the former rejection has been withdrawn.

Election/Restrictions

2. Claim 18 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected solvent cleaning apparatus, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 1/17/07. Claims 1, 3-16 and 19 are pending.

Information Disclosure Statement

3. The IDS filed 6/7/04 has been re-certified to include consideration of the foreign document EP 0648521.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 6-12, 16 and 19 rejected under 35 U.S.C. 102(e) as being anticipated by Conrad et al. herein referred to as "Conrad" (Pub No.: US 2005/0091755) herein referred to as "Conrad" (US Patent No. 6,063,135).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Conrad teaches a non-aqueous washing machine comprising a wash unit 12 and a reclamation unit 14; both these units can be used independently of each other, as Conrad teaches that multiple wash drums may be used with a single reclamation and storage unit, thus indicating that both the units do not necessitate being used concurrently and can perform independently (Paragraph [0027]).

More specifically, Conrad's invention has a container for providing relative movement of a fabric to be cleaned; means for introducing a working fluid and at least one washing adjuvant to said container; and a cross-membrane filter. The working fluid from said container is re-circulated through a heat exchanger having a working fluid side, then through said filter before being returned to the container again (basic solvent refining cycle) (Claim 55). In Paragraphs [0060] and [0110] Conrad recites that membranes such as micro-filtration and/or ultra-filtration cross flow membranes (cross-flow membranes) may be employed, also it is known that cross-flow membranes generate a pressure drop across the membrane material that will act as a driving force to condense the solvent.

Next, a second filtering means (advanced solvent cleaning process) is arranged to receive the effluent from the first filter means, said second filtering means being an adsorbent bed filter. It can be seen in Figure 12 that the first and second filtering means can be performed separately. Additionally, a compressor driven refrigeration system having a condenser and an evaporator is provided (evaporation step), said evaporator is used to provide at least some of the cooling specified in said cooling step (Claims 36 and 57). Working fluid sensors and sensing means to control the temperature are employed in said apparatus at various check-points (first- and second-replenishable means) (Claims 56 and 59). Other sensors may include leak sensors, flow rate sensors, a weight sensor, sensors to indicate machine deviation such as when the machine's cartridge is ready to be swapped out (replaceable cartridge) (Paragraph [0095]).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 3-5 and 13-15 are rejected under 35 U.S.C. 103(a) as being obvious over Conrad.

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

Conrad teaches the claimed invention except fails to stately describe the solvent ratio between the first and second solvent fraction. It is at once envisaged that the solvent ration between these two are most preferably from 9:1 to 99:1 as claimed by applicant because Conrad supports that the first solvent is more pure/more clean than the effluent since the effluent is diluted with additives/detergent. It would have been obvious to one having ordinary skill in the art at the time the invention was made to optimize the first and second solvent fractions since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Similarly, although Conrad teaches a filtration system, Conrad fails to specify the exact trans-membrane pressure or cross-flow member diameter of the filter. It would have been obvious to one of ordinary skill in the art at the time of the invention to optimize the trans-membrane pressure in order to allow constant desired flow therethough and eliminate chocking of the solvent. Likewise, it would have been obvious to one of ordinary skill in the art at the time of the invention to optimize the cross-flow member diameter of the filter to properly eliminate impurities; impurities are undesirable in cleaning agents. It has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Conrad teaches the use of a cartridge in the filtration system, however fails to specify the exact number of wash cycles that can be optimally performed before replacement of the cartridge. However, it would have been obvious to one of ordinary

skill in the art at the time of the invention to optimize the number of wash cycles before replacing the cartridge because too little number of uses would be an ineffective use of the cartridge and highly cost inefficient, on the corollary, too many uses would result in a lack of absorption effectiveness and the machine would not operate effectively. It has been held that discovering an optimum value of a result effective variable involves only routine skill in the art, thus optimizing the number of wash cycles performed per cartridge use would have been obvious to one of ordinary skill in the art at the time of the invention. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). Conrad intimates that cartridges have a life expectancy and they need to be replaced, Conrad further indicates a sensor to warn the user when said cartridge needs replacement (Paragraph [0095]).

Finally, Conrad discloses the claimed invention except fails to state generic and already known user selection for said washing machine. It would have been obvious to one of ordinary skill in the art at the time of the invention to employ known washing machine selections by a user, such as color, laundry fabric type, size of wash load and thus resulting in water content allowable in the tub, level of cleansing required, low/med/high agitation for slight soiled to very dirty laundry, delicate, etc. type user selections in conjunction with the washing apparatus of Conrad disclosed. Dry cleaning machines are known to require the use of such selections and although Conrad does not stately describe embodying these buttons/selections on said machine, but it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate such known user selections on a said apparatus.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Heskett (US Patent No. 3,831,754) teaches a fluid treating apparatus and process having a treating cartridge for regenerating fluid therethrough.

Cussler (US Patent No. 4,828,701) teaches a separation method for temperature critical solution.

Huang et al. (US Patent No. 5,258,123) teaches a process for dewatering an aqueous solution containing solids using water-absorbent substances and thus regenerating the solution.

Mayne (US Patent No. 5,858,119) teaches an ion exchange cleaning method that is circulated in a circulation medium of a circulation system.

Estes et al. (US Patent No. 6,045,588) teaches a non-aqueous washing apparatus and method for washing fabric loads; the working fluid ma be selected from a group consisting of perfluorocarbons, hydrofluoroethers, fluoronated hydrocarbons, and fluoroinerts.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita R. Patel whose telephone number is (571) 272-8701. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

rrp

MICHAEL KORNAKOV
PRIMARY EXAMINER

M. Kornakov
03/06/07